

MISC. CIVIL APPLICATION NO. 241 OF 1988.

Date of decision: 16.1.1996.

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. S.V. Raju, advocate for petitioners.

Mr. J.V. Mehta, advocate for respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

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January 16, 1996.

Oral judgment (Per Soni, J.)

Alleging that order of 30.10.1987 passed by the Gujarat Primary Education Tribunal in Application No.33/87 is not complied with, the present application for taking action under the Contempt of Courts Act is filed.

The impugned order is an interlocutory order of the year

1987. The learned advocate for thee petitioners is not able to tell us as to what has happened to the main matter. We hope that by this time the main matter also must have been disposed of. Our attempt to call respondents by issuing warrant has also become futile as their addressed are also not known. In view of our judgment in M.C.A.No.149 of 1994, the order is executable and as the order is executable, we are of the opinion that we should refuse to exercise our jurisdiction under the Contempt of Courts Act particularly in view of the fact that pretty long period of eight years have passed after the alleged act and that too an interim order. Hence the proceedings are required to be dropped and are hereby dropped. Rule discharged. No costs.